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Mothers Against Drunk Driving
House Judiciary Committee and House Transportation Committee
In support of H 560
January 21, 2016

Thank you Chair Grad, Chair Brennan, Vice-Chair Potter and Vice-Chair Jewett and members of the Transportation and Judiciary committees for allowing me to testify today in support of ignition interlocks and H 560. My name is Frank Harris, Director of State Government Affairs, for Mothers Against Drunk Driving.

With this proposal, the Legislature has before it an opportunity to make streets safer. H 560 does much more than reform Vermont's ignition interlock law. It also provides for mandatory blood alcohol testing in crashes so more drunk drivers are held accountable for killing or seriously injuring others on Vermont roads.

MADD supports language in H 560 that requires any drunk driver to use an ignition interlock to drive during a license suspension period. We call this approach "all-offender," and we believe this is a critical component to DUI laws.

Why MADD supports all-offender ignition interlock laws

As part of MADD's Campaign to Eliminate Drunk Driving, launched in 2006, we call on all states to enact all-offender ignition interlock laws. When the Campaign launched, only one state had such a law. Now, 25 states have similar laws on the books.

Widespread use of these in-car devices, which are about the size of a cell phone and prevent vehicles from starting if alcohol is detected on a driver's breath, is recommended by the Centers for Disease Control and Prevention, the National Highway Transportation Safety Administration and nearly every traffic safety organization, including AAA and the Governors Highway Safety Association.

First-time offenders are serious offenders. Research from the CDC indicates that first time offenders have driven drunk at least 80 times before they are arrested. That's why MADD believes every offender who seeks driving privileges should be required to use an ignition interlock — as soon as possible after the drunk driving offense.

Ignition interlocks are effective in reducing repeat drunk driving offenses by 67 percent while the device is installed, compared to license suspension alone, according to studies compiled by the Centers for Disease Control and Prevention (CDC). One study found that interlocks help reduce repeat offenses even after the device is removed by 39 percent when compared to offenders who never installed an interlock. (Marques, 2010).

Ignition interlocks in Vermont

As a result of a 2011 law in Vermont, offenders have the option to use an ignition interlock. For first-time offenders, the option is either 90 days license suspension or 30 days license suspension followed by six months on ignition interlock.

MADD supports an improvement to Vermont's ignition interlock law, as the current law is not incentivized enough for first-time offenders to elect to use an interlock. MADD believes that the time on an ignition interlock should be equal to any license suspension so more drunk drivers opt to use an ignition interlock.

In 2014, about 621 people were using an interlock in Vermont. The same year, according to FBI data collected for Vermont, there were roughly 2,189 DUI arrests. With that data, MADD estimates a 28 percent compliance rate, which is not bad for an optional interlock law.

MADD also collected data on the number of times an interlock has stopped someone from driving drunk in Vermont since the law went into effect in July 2011. Since the law's inception to December 1, 2015, ignition interlocks have stopped more than 6,000 attempts to drive drunk with an illegal blood alcohol concentration (BAC) of .08 or greater. These devices have stopped more than 37,000 drinking and driving attempts as well.

Those prevented drunk driving starts carry a public safety benefit and a win-win-win situation for the interlock user, the people and the state of Vermont.

To the interlock user, if the offender is sober while using the device, he or she can be part of society and continue to provide for their family. However, the interlock also stops the offender from driving drunk. The offender is taught to drive sober, and as a result, the offender is not rearrested for driving drunk. Ultimately, the offender is less likely to reoffend after exiting the interlock program.

To the public, these 6,000 prevented drunk driving starts mean safer roadways and less opportunity for a drunk driver to injure or kill innocent people.

To the government, 6,000 prevented drunk driving starts means there are fewer drunk drivers on the road, and law enforcement does not have to deal with arresting more drunk drivers. With fewer drunk drivers on Vermont roadways, the government experiences reduced costs associated with arrests, incarceration and injuries caused by drunk driving.

It should be noted since Vermont's ignition interlock law went into effect in 2011, drunk driving deaths have decreased by 50 percent, from 18 in 2010 to 9 in 2014. MADD believes the 6,000 fewer incidences of drunk driving played a key role.

How H 560 improves Vermont's ignition interlock law

MADD supports the changes, which would allow for the use of ignition interlocks upon revocation. As H 560 is drafted, it appears all drunk drivers must use an interlock before ever being fully relicensed and would require vehicle immobilization for those who do not install an interlock. This would be one of the strongest ignition interlock laws in the United States.

Exemptions to interlock use: The proposal does make exceptions to the use of an interlock. Interlock use is not required for drugged driving offenders, if there is a medical condition, or if an arrestee is not a Vermont resident.

Compliance-based removal: Vermont's ignition interlock law already provides for compliance-based removal — which means offenders will have their time on the device extended if they continue to drive drunk on an interlock. In Vermont, an interlock user's time is extended by three months if there are too many recordable violations. Per the National Highway Traffic Safety Administration (NHTSA) standards, an interlock stops a vehicle from starting if there is any alcohol present, or a .025 BAC. Under Vermont's compliance-based

removal law, an offender who records three consecutive blows with a .04 BAC or greater will have the time on an interlock extended by three months.

Compliance-based removal is an important aspect to an interlock law. One argument against interlocks is that offenders could go back to their drunk driving behavior after they stop using the device. However, with compliance-based removal, an offender cannot exit the program until showing proof of sober driving.

Interlock costs to the offender: Ignition interlocks cost the user around \$2.50 a day. These costs are paid to the interlock vendors. Vermont does allow judges to reduce the costs of an interlock to an indigent offender.

Addressing DMV concerns with an expanded ignition interlock program

Interlocks are an effective tool. The interlock acts as a virtual probation officer, checking the driver's breath before starting the vehicle and conducting "rolling retests," which require the driver to provide breath tests at regular intervals. Interlocks also have cameras to verify who is using the device.

MADD understands the DMV has raised concerns that additional employees would be needed to monitor offenders who use an interlock — specifically the camera images. Based on MADD's experiences in other states, MADD believes DMV can lighten its potential workload and save the state money through the following suggestions:

- **DMV should only regularly monitor recordable violations sent via GPS cellular real time.** DMV should not review every image. All three of the interlock devices certified in Vermont have Cellular technology to immediately send a recordable violation to the interlock vendor, which could be sent to the DMV. This should be the only item DMV monitors regularly. While DMV should have the authority to review any interlock report from vendors at any time, this review should be required only before removing the interlock restriction.
- **Funds may be available to pay for DMV staff to monitor and license ignition interlock users.** If H 560 passes, Vermont could qualify for federal interlock incentive grants from MAP-21. MADD encourages the DMV and the bill sponsors to check with the NHTSA Regional Administrator to see if the current legislation would allow Vermont to qualify for these yearly funds. If H 560 becomes law, Vermont should qualify for at least \$200,000 each year in extra federal money. This money could go to the DMV to pay for staff.
- **Relicensing fees could offset costs.** Additionally, MADD believes that the DMV should be able to charge an additional relicensing fee of \$100 to \$150 after a person successfully completes the interlock program. The DMV could also charge interlock vendors a yearly fee to do business in Vermont to help pay for implementing the program.

Conclusion

MADD supports H 560 as it relates to improving the implementation of ignition interlocks. These devices have prevented more than 6,000 drunk driving starts in just over four years. We urge this committee to advance this important drunk driving reform legislation. Thank you for allowing me to speak today on behalf of Mothers Against Drunk Driving. Enclosed in my written testimony is more information on ignition interlocks.

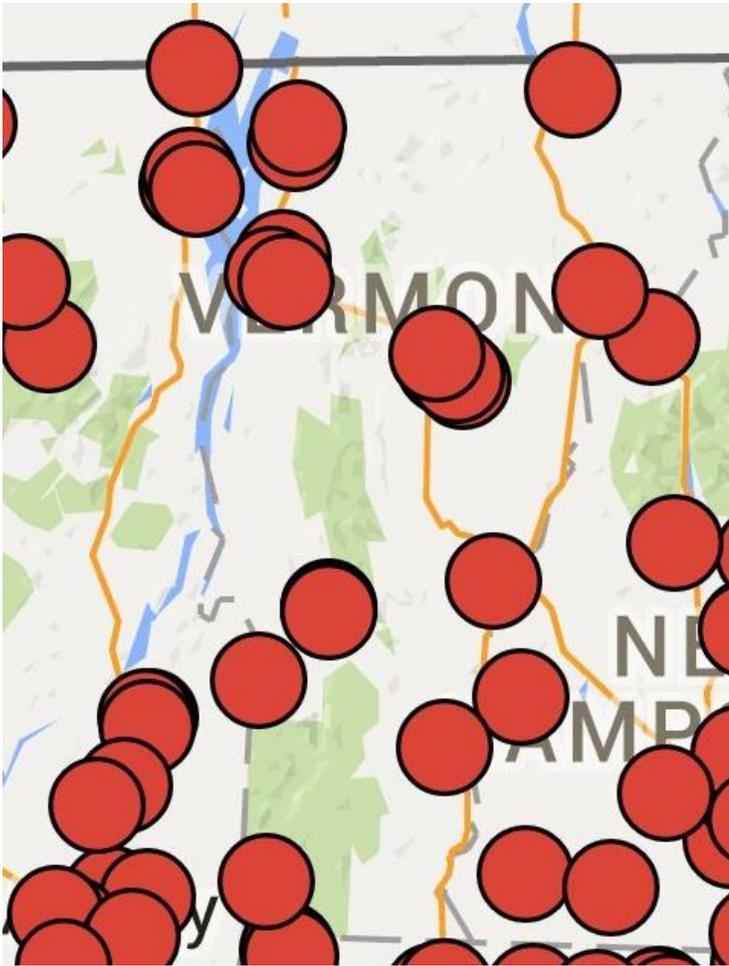


Ignition Interlocks Separate Drinking from Driving in Vermont

Drunk driving (.08 BAC) starts stopped with an interlock	.025 to .079 BAC starts stopped with an interlock
6,095	31,625

Source: Smart Start, LMG, Intoxalock from July 1, 2011 to November 30, 2015

Vermont Ignition Interlock Installation Locations



Three manufacturers provide devices at over 17 state certified installation ignition interlock centers.

As of September 2014 there were 621 interlocks installed in Vermont.

According to DUI arrest data reported to the FBI, there were 2,189 DUI arrests in 2014 in Vermont.

Find out more about these interlock installation centers and more at madd.org/interlock.

Ignition Interlocks Save Lives

Ignition interlocks are effective in reducing repeat drunk driving offenses by 67 percent while the device is installed compared to license suspension alone. (CDC)

Interlocks help reduce repeat offenses even after the device is removed by 39 percent compared to offenders who never installed an interlock. (Marques, 2010)

First-time offenders are serious offenders. Research from the CDC indicates that first time offenders have driven drunk at least 80 times before they are arrested.



All-offender ignition interlock laws stop drunk drivers with a blood alcohol concentration (BAC) .08 or greater from reoffending.

The FACTS

- An interlock is more effective than license suspension alone, as 50 to 75 percent of convicted drunk drivers continue to drive on a suspended license.
- All-offender interlock laws are widespread. Twenty-five states, plus a California pilot program (covering a population of over 13 million) have laws requiring ignition interlocks for all first-time convicted drunk drivers.
- As of July 2013, there are approximately 305,000 interlocks in use in the United States.

Ignition interlock laws saves lives. Due in part to laws requiring interlocks for all convicted drunk drivers, drunk driving deaths have declined dramatically and at a better pace compared to the national average decline:

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|------------------------------------|---------------------------------|-------------------------------|
| ✓ Arizona: 50 percent | ✓ Louisiana: 31 percent | ✓ Hawaii: 25 percent |
| ✓ West Virginia: 40 percent | ✓ Washington: 26 percent | ✓ Kansas: 23 percent |
| ✓ Oregon: 33 percent | ✓ New Mexico: 26 percent | ✓ Arkansas: 20 percent |

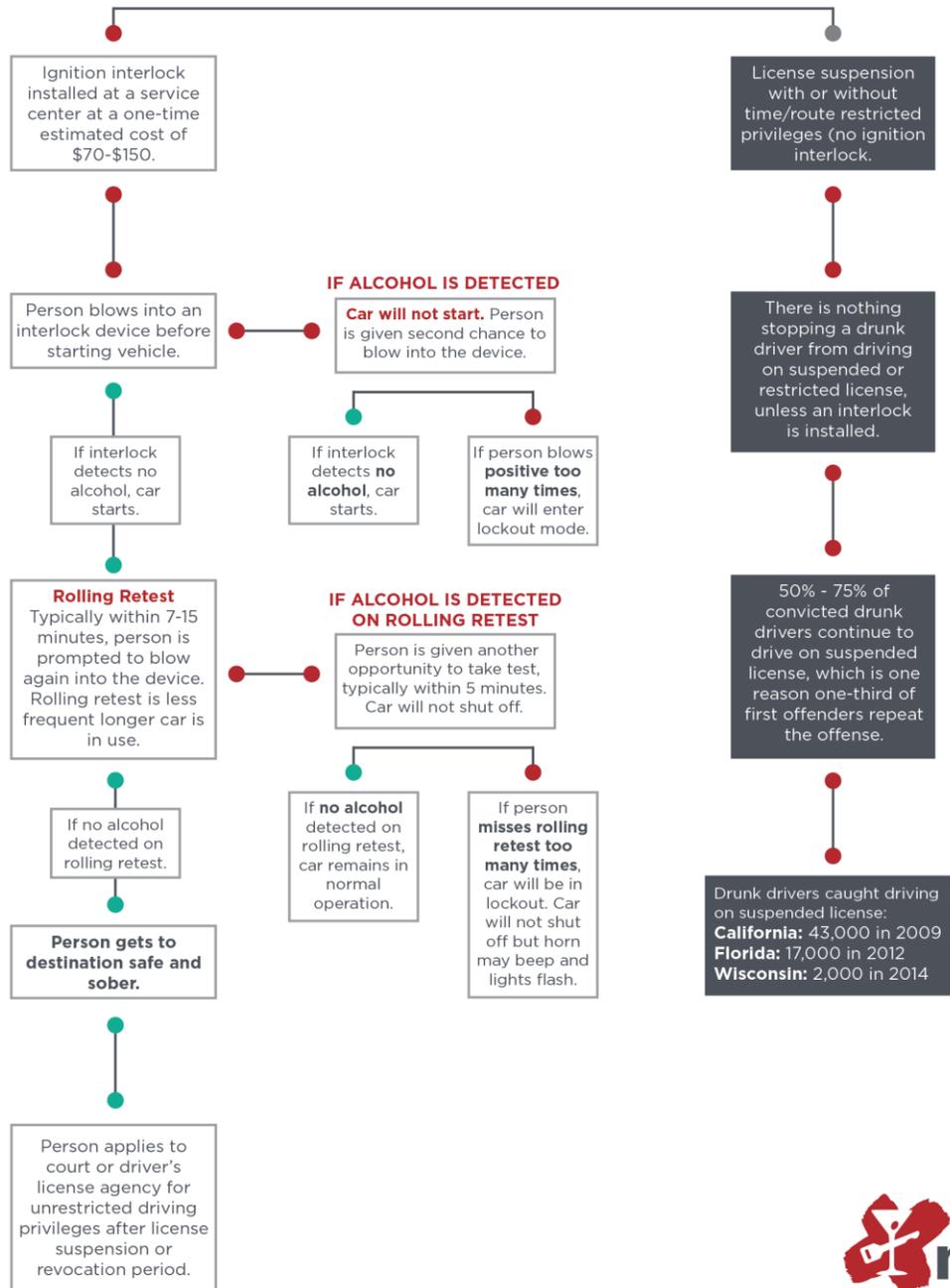
Public supports Interlocks for all convicted drunk drivers. Three surveys indicate strong public support of ignition interlocks for all convicted drunk drivers.

- 88 percent (Center for Excellence in Rural Safety, 2010)
- 84 percent (Insurance Institute for Highway Safety, 2009)
- 76 percent (American Automobile Association, 2012)

In addition to MADD, other traffic safety groups support ignition interlocks for all convicted drunk drivers, including all first offenders with an illegal blood alcohol concentration (BAC) of .08 or greater.

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| ○ Advocates for Auto and Highway Safety | ○ Insurance Institute for Highway Safety (IIHS) |
| ○ American Automobile Association (AAA) | ○ International Association of Chiefs of Police (IACP) |
| ○ Auto Alliance | ○ National Safety Council |
| ○ Centers for Disease Control and Prevention (CDC) | ○ National Transportation Safety Board (NTSB) |

Ignition Interlock vs. License Suspension After DUI



People who use an interlock are less likely to reoffend. Compared to license suspension alone, interlocks reduce repeat offenses by 67% while the device is installed and 39% after the device is removed. Compliance Based Removal could help decrease repeat offenses even more.

MADD supports ignition interlocks for ALL apprehended drunk drivers. Interlocks accomplish what license suspension and other monitoring technologies do not — separate drinking from driving.

- **Interlock Service Center:** Person must get interlock serviced every 30 days.
- **Lockout Mode:** If person blows positive for alcohol too many times or misses a rolling test, device may need to be taken to get serviced sooner than 30 days.
- **Extra time on interlock possible.** The interlock service center may report any violations, too many positive blows or missed rolling retests to a monitoring agency which may result in extra time on interlock if the state has a **Compliance Based Removal** aspect to the interlock law. Many states require offenders to show proof of installation and/or compliance with the interlock order to the court/driver's license agency in order to have device removed.

Ignition Interlock FAQs

Please visit madd.org/interlock

An ignition interlock is a device about the size of a cell phone that is wired into the ignition system of a vehicle. A convicted drunk driver must blow into the device in order to start their vehicle. Interlocks are required to meet federal standards set by the National Highway Traffic Safety Administration (NHTSA).

Per NHTSA standards, if an interlock user has a measurable amount of alcohol in their system, the vehicle will not start. It is a simple and economical way to make sure that offenders can drive to and from work, but that they can't drive drunk.

Who pays for the device? Offenders pay for the interlocks, which costs \$2.50 a day to lease from an interlock vendor. In most states, interlock companies provide interlock devices for offenders who can't afford the devices or an indigent fund is set up by the state, which is funded by other interlock users to cover all or a portion of the costs for these offenders.

Are there ways to bypass the device, like having someone else blow into it? This is possible, and there should be strict penalties for attempting to bypass the device. Interlocks are required to have anti-circumvention features that prevent such activity. One of these features is the running retest, which requires offenders to blow into the device at random intervals once the vehicle has been allowed to start. The tests are not designed to be done while the car is actually rolling. Interlocks give people a few minutes – enough time to pull over – to retest.

What if someone else drives the vehicle with the interlock and fails a retest?

This is possible, but with states requiring the use camera interlocks to verify the user, this is becoming a non-issue. However, when someone commits a crime, he/she is responsible for the consequences of his/her actions. If an interlock is one of these consequences, then the offender is responsible for making sure those driving his/her vehicle do not drive intoxicated.

Could an interlock stop a person's car in traffic, making a more dangerous hazard?

Interlocks are hooked up to a vehicle's starter system, not to the engine itself. The interlock does not have the ability to stop the vehicle once it is running for safety reasons. When a driver fails a running retest, the vehicle's horn will honk and/or the lights will flash to alert law enforcement – the vehicle will not stop.

Are interlocks an inconvenience to family members who share the offender's vehicle? No, they can drive the vehicle as well and also taught how to use the device; they simply must blow into the device and prove sobriety before the car will start.

Don't offenders go back to their old behavior after the device is removed? Studies have shown that interlock devices decrease recidivism by 67 percent while installed on the vehicle. When removed, these rates could go back to normal. As a result, more states are enacting laws including compliance based removal of the interlock where an offender must have a certain period prior to removing the device with no recordable violations such as consecutive running retest failures or multiple positive tests for alcohol.

Who monitors interlock device users? How are monitoring programs funded?

Interlock reports are sometimes monitored by the courts or probation departments. Some states require offenders or interlock companies to pay probation costs. Other states have no probation monitoring and instead implement the program through a driver license agency (DMV). These offenders must provide proof of installation from an interlock vendor in order to obtain an interlock license or proof of compliance with the interlock in order to obtain unrestricted driving privileges. States are able to have revenue neutral programs by charging interlock users licensing fees and in some instances a monthly fee of \$30.

Anti-circumvention Technology.

Interlocks require a deep lung sample and an offender is taught to use the device and must typically blow, suck or hum to prevent circumvention attempts such as having a child or balloon deflate to get around the interlock. Here are other anti-circumvention features.

Camera to verify user



A camera eliminates the excuse that the interlock violation was by another person. It also ensures the offender is the one using the device. The camera is safely mounted near the dashboard.

Real time reporting of interlock violations



Some interlocks have GPS and/or cellular ability to report recordable violations to a monitoring agency immediately, as opposed to waiting days for a violation to be reported.

Status of Ignition Interlock Laws

